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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.498 OF 2003
IN
SUIT NO.3338 OF 1996

Nandlal L. Peshwani).. Plaintiff

Versus

Mrs.M.J.D'Souza and others).. Defendants

Ms.Yamini Gada i/b.M/s.Harakchand & Co. for the
Plaintiff.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 14TH AUGUST 2006

P.C.:

. The present Motion has been filed for setting aside the order dated 9th August 2001 passed in Notice of Motion No.1094 of 1997. This Motion was dismissed on 9th August 2001. The Plaintiff contends that the name of the Plaintiff's Advocates was not shown on the board on that date and, therefore, nobody remained present on behalf of the Plaintiff and the Motion came to be dismissed for non-prosecution. The board of 9th August 2001 is annexed at Exhibit "1" to the affidavit in support of the Motion. Serial No.11 indicates that some other Advocates were named as the Advocates for the Plaintiff and not M/s.Harakchand & Co. who have been

appearing for the Plaintiff.

2. For the reasons set out in the affidavit in support of the Motion, Notice of Motion made absolute in terms of prayer clauses (a) and (b). The order dated 9th August 2001 is set aside.

3. Notice of Motion No.1094 of 1997 to be listed on board on 21st August 2006.

4. Motion disposed off accordingly.